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Air Pollution Regulations in State Implementation Plans: Mississippi

Abcor Inc, Wilmington, MA Walden Div

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Air Pollution Regulations in State Implementation Plans:

Mississippi

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This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

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Air Pollution Regulations in State Implementation Plans:

Mississippi

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Walden Division of Abcor, Inc.
Wilmington, Massachusetts

Contract No. 68-02-2890

EPA Project Officer: Bob Schell

Prepared for

U.S. ENVIRONMENTAL PROTECTION AGENCY
Office of Air, Noise, and Radiation
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

August 1978

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Publication No. EPA-450/3-78-074

INTRODUCTION

This document has been produced in compliance with Section 110(h)(1) of the Clean Air Act Amendments of 1977. The Federally enforceable regulations contained in the State Implementation Plans (SIPs) have been compiled for all 56 States and territories (with the exception of the Northern Mariana Islands). They consist of both the Federally approved State and/or local air quality regulations as indicated in the Federal Register and the Federally promulgated regulations for the State, as indicated in the Federal Register. Regulations which fall into one of the above categories as of January 1, 1978, have been incorporated. As mandated by Congress, this document will be updated annually. State and/or local air quality regulations which have not been Federally approved as of January 1, 1978, are not included here; omission of these regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations.

There have been recent changes in the Federal enforceability of parking management regulations and indirect source regulations. The October, 1977, appropriation bill for EPA prohibited Federal enforcement of parking management regulations in the absence of specific Federal authorizing legislation. Federally promulgated parking management regulations have, therefore, been suspended indefinitely. Pursuant to the 1977 Clean Air Act Amendments, indirect source regulations may not be required for the approval of a given SIP. Consequently, any State adopted indirect source regulations may be suspended or revoked; State adopted indirect source regulations contained in an applicable SIP are Federally enforceable. More importantly, EPA may only promulgate indirect source review regulations which are specific to Federally funded, operated, or owned facilities or projects. Therefore, the Federally promulgated indirect source regulations appearing in this document are not enforceable by EPA except as they relate to Federal facilities.

Since State air quality regulations vary widely in their organization, content, and language, a standardized subject index is utilized in this document. Index listings consist of both contaminant and activity oriented categories to facilitate usage. For example, for regulations which apply to copper smelters, one might look under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State immediately follow the approved State and local regulations.

Additionally, a summary sheet of the information included in each comprehensive document is presented prior to the regulatory text to allow one to quickly assess the contents of the document. Specifically, the summary sheets contain the date of submittal to EPA of each revision

to the SIP and the date of the Federal Register in which the revision was either approved or disapproved by EPA. Finally, a brief description or reference of the regulation which was submitted is also included.

This document is not intended to provide a tool for determining the enforceability of any given regulation. As stated above, it is intended to provide a comprehensive compilation of those regulations which are incorporated directly or by reference into Title 40, Part 52, of the Code of Federal Regulations. Consequently, the exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation (for example, regulations governing pollutants, such as odors, for which there is no national ambient air quality standards) in this document does not, in itself, render the regulation enforceable.

SUMMARY SHEET

OF

EPA-APPROVED REGULATION CHANGES

MISSISSIPPI

SUBMITTAL	APPROVAL	DESCRIPTION
5/4/72	5/31/72	Appendix C Sec. 2, Sec. 8 App. G; delete SO_2 Reg. Sec. 4 in App. C.

FEDERAL REGULATIONS

SECTION NO.	DESCRIPTION
52.1276	Review of New or Modified Indirect Sources
52.1277	Public Availability of Emission Data
52.1280	Prevention of Significant Deterioration

7106-117 is disapproved

DOCUMENTATION OF CURRENT EPA-APPROVED
STATE AIR POLLUTION REGULATIONS

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MISSISSIPPI AIR AND WATER POLLUTION

CONTROL COMMISSION

(2.0) AIR QUALITY REGULATIONS FOR THE PREVENTION, ABATEMENT, AND CONTROL OF AIR CONTAMINANTS.

(2.0) SECTION 1. GENERAL

1. Authority. Pursuant to the authority granted by Section 7106-116, Mississippi Code of 1942, Recompiled, the following regulations are adopted for the purpose of preventing, abating, and controlling air pollution caused by air contaminants being discharged into the atmosphere as particulates, smoke, fly ash, solvents, and other chemicals or combinations thereof.

2. Exceptions. Where these regulations require a degree or degrees of emission abatement which is currently not attainable with existing equipment now commercially available or with existing technology or where control equipment is so costly that the process would have to be terminated rather than comply, the Commission may grant a variance provided that the excessive emissions which result are not being actively challenged as a nuisance by the proximate neighbors to the operation and where no endangerment exists to human, plant, or animal life. Where such challenges are made, or such endangerment exists, the Commission will have no choice but to enforce these regulations. As technological advancements are made in the field of those operating under variances of this section, the person holding such a variance will be required to comply with the standards as set forth in this set of regulations.

(1.0) SECTION 2. DEFINITIONS

The terms used in the regulations shall, unless the context otherwise requires, have the following meanings:

1. "Ambient air." The emcompassing atmosphere existing in the matter of space and to which life of this earth is adapted. For the purposes of these regulations, that portion of the atmosphere outside of buildings, stacks, and ducts.

2. "Air cleaning device." Any method, process or equipment which removes, reduces or renders less noxious air contaminants discharged into the atmosphere.

3. "Air contaminant." Particulate matter, dust, fumes, gas, mist, smoke, or vapor, or any combination thereof produced by processes other than natural.

4. "Air contamination." The presence in the outdoor ambient air of one or more air contaminants which contribute to a condition of air pollution.

5. "Air contamination source." Any source at, from, or by reason of which there is emitted into the ambient air any air contaminant, regardless of who the person may be who owns or operates the building, premises, or other property in, at or on which such source is located, or the facility, equipment or other property by which the emission is caused or from which the emission comes.

6. "Air contaminant point source." Any single point of emission of any air contaminant such as from an individual machine or combustion device.

7. "Air pollution." The presence in the outdoor ambient air of one or more air contaminants in quantities, of characteristic, and of a duration which are materially injurious or can be reasonably expected to become materially injurious to human, plant, or animal life or to property or which unreasonably interfere with enjoyment of life or use of property, throughout the State or throughout such area of the State as shall be affected thereby.

8. "Atmosphere." The air that envelops or surrounds the earth. Synonymous with ambient air.

9. "Commission." The Mississippi Air and Water Pollution Control Commission.

10. "Fly ash." Particulate matter capable of being gasborne or airborne or carried in the gas stream and consisting essentially of ash, fused ash, and/or unburned material.

11. "Ground level." Unless otherwise specified in sampling techniques, will be considered to be in the range of one to twenty (20) feet of ground level. For ambient sampling, it shall also be outside the boundaries of the property which contains the air pollution source.

12. "Incinerator." A combustion device specifically designed for the destruction by high temperature burning of solid, semi-solid, liquid, gaseous combustible wastes and from which the solid residues contain little or no combustibles.

13. "Modification." Any physical change in, or change in the method of operation of, an affected facility which increases the amount

of any air pollutant emitted by such facility or which results in the emission of any air pollutant not previously emitted, except that:

(1) Routine maintenance, repair and replacement shall not be considered physical changes, and

(2) An increase in the production rate or hours of operation shall not be considered a change in the method of operation.

14. "Multiple chamber incinerator." Any article, machine, equipment, contrivance, structure, or any part thereof used to dispose of combustible refuse by burning, which consists of three or more refractory line combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage points or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

15. "Open burning." Any burning of combustible materials or any fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

16. "Particulate matter." Any material, except uncombined water, that exists in a finely divided form as a liquid or solid.

17. "Person." The State or other agency, or institution thereof, any municipality, political subdivision, public or private corporation, individual, partnership, association, or other entity, and includes any officer or governing or managing body of any municipality, political subdivision, or public or private corporation.

18. "Plan documents." Reports, proposal, plans, preliminary plans, surveys, bases of design data, general and detail construction plans, profiles, specifications and other information pertaining to the installation or modification of equipment and/or facilities.

19. "Process weight." The total weight of all materials introduced into a source operation including solid fuels and water. Liquids and gases used solely as fuels and air introduced for the purposes of combustion are excluded.

20. "Ringelmann Chart." The chart (Information Circular No. 8333) published by the U.S. Bureau of Mines, or the latest revision, on which are illustrated graduated shades of gray to black for use in estimating the light obscuring capacity of smoke.

21. "Standard conditions." Standard conditions for gas measurement and calculation will be a temperature of 60 degrees Fahrenheit and a pressure of 14.7 pounds per square inch absolute.

22. "Smoke." Small gas-borne particles resulting from incomplete combustion and consisting predominantly, but not exclusively, of carbon, ash, and other combustible material.

23. "Soot." Agglomerated particles consisting mainly of carbonaceous material.

24. "Total reduced sulfur, (TRS)." Means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present.

(50.1) SECTION 3. SPECIFIC CRITERIA FOR SOURCES OF PARTICULATE MATTER.

(50.1.2) 1. Smoke

(a) No person shall cause, permit, or allow the emission of smoke from a point source into the open air from any manufacturing, industrial, or commercial process or from any waste disposal process of which the shade is darker than number two (2) on the Ringelmann Smoke Chart.

(b) Start-up operations may produce darker emissions for up to fifteen (15) minutes per start-up in any one hour and not to exceed three (3) start-ups per stack in any twenty-four (24) hour day.

(c) Tolerance may be granted for a darker emission resulting from emergency or breakdown conditions, provided that prompt remedial action is initiated and the Commission is notified.

(d) Emissions resulting from soot blowing operations shall be permitted provided such emissions do not exceed a shade of appearance of a Ringelmann No. 3 on the Ringelmann Smoke Chart, and provided further that the aggregate duration of such emissions during any twenty-four (24) hour period does not exceed ten (10) minutes per billion BTU gross heating value of fuel in any one hour.

(50.1.2) 2. Equivalent Opacity. No person shall cause, allow, or permit the discharge into the ambient air from any point source or emission whatsoever, any air contaminant of such opacity as to obscure an observer's view to a degree in excess of 40% opacity, equivalent to that provided in Section 3 (1a). This shall not apply to vision obscuration caused by uncombined water droplets.

(50.7) 3. General Nuisances. No person shall cause, permit, or allow the emission of particles, or any contaminants in sufficient amounts or of such duration from any process as to be injurious to humans, animals, plants, or property, or to be a public nuisance, or create a condition of air pollution.

(a) No person shall cause or permit the handling or transporting or storage of any material in a manner which allows or may allow unnecessary amounts of particulate matter to become airborne.

(b) When dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building or equipment in such manner and amount as to cause a nuisance to property other than that from which it originated or to violate any other provision of this regulation, the Commission may order such corrected in a way that all air and gases or air and gas-borne material leaving the building or equipment are controlled or removed prior to discharge to the open air.

(c) No person shall cause, permit, or allow the emission from any processes, particulate fallout to exceed background levels by 5.25 grams/meter squared/month if such fallout occurs on property other than that from which the fallout originated.

(51.5) 4. Fuel Burning

(a) Fossil Fuel Burning. The maximum permissible emission of ash and/or particulate matter from fossil fuel burning installations shall conform to the line shown in Fiqure 1.

(b) Combination Boilers. Fuel burning operations utilizing a maximum of combustibles such as, but not limited to, fossil fuels plus bark, oil plus bark, or spent wood, or water treatment by products sludge, may be allowed emission rates up to 0.30 grains per standard dry cubic foot.

(51.14) 5. Kraft Process Recovery Boilers. The emissions of particulate matter from a recovery furnace stack shall not exceed four (4) pounds per ton of equivalent air dried kraft pulp produced at any given time.

(51.21) 6. Manufacturing Processes.

(a) General. Except an otherwise specified, no person shall cause, permit, or allow the emission from any manufacturing process, in any one hour from any point source, particulate matter in total quantities in excess of the amount shown in Table 1.

Conveyor discharge of coarse solid matter may be allowed if no nuisance is created beyond the property boundary where the discharge occurs.

(b) Kraft Pulping Mills. All mills existing prior to adoption of this regulation and not modified subsequent thereto shall comply with the following emission limits:

(1) Recovery Furnaces. The emission of particulate matter from recovery furnace stacks shall not exceed four (4) pounds per ton of equivalent air-dried kraft pulp.

(2) Lime Kilns. The emission of particulate matter from lime kilns shall not exceed one pound per ton of equivalent air-dried kraft pulp.

(3) Smelt Tanks. The emission of particulate matter from smelt tanks shall not exceed one-half pound per ton of equivalent air-dried kraft pulp.

(51.13) 7. Open Burning. The production or emission of dense smoke or the open burning of garbage, rubbish, domestic waste, commercial or industrial, is prohibited, except as follows:

(a) Fires set for recognized agricultural and/or forestry practices.

(b) Fires set for the training of fire control personnel.

(c) Fires set for prevention of a fire hazard that would otherwise endanger human or animal life where no safe alternative is possible.

(d) Fires set for recreational purposes unless prohibited by local ordinances and restrictions.

(e) Fires set for the backyard reduction of leaves on the premises on which they fall unless prohibited by local ordinances and restrictions.

(f) Fires used to dispose of waste resulting from storm damage.

(g) Fires set for clearing land as provided by law.

(h) Fires used for cooking of food for human beings.

(i) Approved safety flares to consume oil field or related waste products.

(j) The Commission may grant approval for flares used during the production testing of oil and gas wells provided the Commission is notified in advance and data is submitted and approved showing that air quality standards will not be exceeded.

(k) The Commission may grant approval for the direct incineration of oil field waste products. The Commission must be notified at least

twenty-four (24) hours before the prescribed request, and burning must meet at least the following conditions:

(1) The location of the burning must not be within or adjacent to a city or town or in such proximity thereto that the ambient air of the city or town may be affected by smoke from the burning.

(2) The burning may be conducted only between the hours 8:00 A.M. and 5:00 P.M., and the duration of the burning should not last over 45 minutes.

(3) The burning must be so controlled as not to create a hazard.

(4) The Commission may grant approval for fires set for open burning practices approved by the Commission.

(51.9) 8. Incineration. The maximum discharge of particulate matter from any incinerator shall not exceed 0.2 grain per standard dry cubic foot of fuel gases calculated to twelve percent (12%) carbon dioxide by volume for products of combustion. This limitation shall apply when the incinerator is operating at design capacity.

The carbon dioxide produced by combustion of any auxiliary fuels shall be excluded from the calculation to twelve percent (12%) carbon dioxide. After the adoption of these regulations, any new equipment shall be of the multiple chambered type or its equivalent for emission control. In critical areas where an installation is in close proximity of a residential area, an incinerator shall be limited to emissions of 0.1 grain per standard dry cubic foot of flue gases calculated to twelve percent (12%) carbon dioxide by volume for products of combustion.

(9.0) 9. Sampling Ports

(a) New Equipment: The owner or operator of any new air pollution control equipment, vented to the atmosphere, shall have necessary sampling ports and ease of accessibility after the adoption of these regulations.

(b) Existing Equipment: The owner or operator of air pollution control equipment that is in existence prior to the adoption of these regulations shall provide the necessary sampling ports and ease of accessibility when deemed necessary by this Commission and a reasonable time will be allowed to comply.

(2.0) 10. More Restrictive Emission Limits. The Commission reserves the right to prescribe or establish more restrictive emission limits as is deemed necessary in problem area. The expansion, alteration, or establishment of a new industry may also result in more restrictive emission limits than herein prescribed.

(50.2) SECTION 4. SPECIFIC CRITERIA FOR SOURCES OF SULFUR COMPOUNDS

(51.6) 1. Sulfur Dioxide Emissions from Fuel Burning

(a) The maximum discharge of sulfur oxides from any fuel burning installation in which the fuel is burned primarily to produce heat or power by indirect heat transfer shall not exceed 4.8 pounds (measured as sulfur dioxide) per million BTU heat input.

(b) No person shall cause or permit the burning of fuel in any fuel burning equipment that results in an average emission of sulfur dioxide from any calendar year at a rate greater than was emitted by said fuel burning equipment for the corresponding calendar year 1970 unless otherwise authorized by the Commission. Installations under construction at the time of adoption of this regulation are excluded from this requirement.

(c) The maximum discharge of sulfur dioxide from any modified fuel burning unit whose generation capacity is less than 250 million BTU per hour and in which the fuel is burned primarily to produce heat or power by indirect heat transfer shall not exceed 2.4 pounds (measured as sulfur dioxide) per million BTU heat input. "Modification" shall mean any physical change in an Air Contaminant Source which increases emitted by such source or which results in the emission of any air pollutant (to which a standard applies) not previously emitted.

(51.21) 2. Sulfur Dioxides Emissions From Processes

(a) Except as otherwise provided herein, no person shall cause or permit the emission of gas containing sulfur oxides (measured as sulfur dioxide) in excess of 2,000 ppm (volume) from any existing process equipment, or in excess of 500 ppm (volume) from any new process equipment. The 500 ppm (volume) requirement shall apply for new equipment unless otherwise provided by the Commission.

(b) Except as otherwise provided in paragraph 3(f)-1 no person shall cause or permit the emission of any gas stream which contains hydrogen sulfide in excess of one grain per 100 standard cubic feet.

Gas streams containing hydrogen sulfide in excess of one grain per 100 standard cubic feet shall be incinerated at temperatures of not less than 1600° F. for a period of not less than 0.5 seconds, or processed in such manner as to be equally or more effective for removing hydrogen sulfide.

Sulfur dioxide concentrations in the gas streams resulting from such incineration or processing shall not exceed 2000 ppm (volume). This sulfur dioxide limitation may be met by reduction of the hydrogen sulfide concentration prior to incineration or processing or by subsequent

processing to remove the sulfur dioxide generated in excess of this emission limitation.

Sulfur dioxide emissions in excess of 2000 ppm from such incineration or processing will be permitted if it can be demonstrated to the Mississippi Air and Water Pollution Control Commission that such emissions will not cause the Air Quality Standard to be exceeded. The conduct of said demonstration must be approved by the Commission or its representatives and must include but may not be limited to, two or more sulfur dioxide monitors of an approved type installed at approved locations. The Commission's representatives shall be afforded the opportunity to calibrate and check the performance of the monitors without prior notification of the owner. Testing to determine the productive capacity of new fields shall be exempted from the emission limitation provisions of this paragraph of the regulation providing such testing has been previously negotiated and approved by the Mississippi Air and Water Control Commission.

This regulation shall not apply to sulfur recovery plants.

(c) No person shall cause or permit acid mist emissions from sulfuric acid manufacturing plants to exceed 0.5 pounds/ton of acid produced. Sulfur trioxide emissions from sulfuric acid manufacture are not to exceed 0.2 pounds/ton of acid produced.

(d) No person shall cause or permit emissions of sulfur oxides, calculated as sulfur dioxide, from a sulfur recovery plant to exceed 0.12 pounds per pound of sulfur processed.

(e) No person shall cause or permit emissions of sulfur oxides, calculated as sulfur dioxide, from primary nonferrous smelters to exceed that set forth according to the following equations.

Copper smelters: $Y = 0.2X$
Zinc smelters : $Y = 0.564X^{0.85}$
Lead smelters : $Y = 0.98X^{0.77}$

Where X is the total sulfur fed to the smelter in pounds/hour and Y is the allowable sulfur emissions in pounds/hour.

(f) Kraft Pulping Mills. All mills existing prior to adoption of this regulation and not modified subsequent thereto shall comply with the following emission limits:

(1) Recovery Boilers. The emission of TRS from all recovery furnace stacks shall not exceed two pounds of sulfur per ton equivalent air-dried kraft pulp, or from each recovery furnace stack seventy ppm, expressed as hydrogen sulfide on a dry gas basis, whichever is the most restrictive.

(2) Non-condensibles. Non-condensibles from digester systems, multipled-effect evaporators, and similar Kraft mill gas streams, shall be treated to reduce the emission of TRS equal to the reduction achieved by thermal oxidation in a kiln followed by alkaline scrubbing.

(50.0) SECTION 5. SPECIFIC CRITERIA FOR SOURCES OF CHEMICAL EMISSIONS

(50.7) 1. Fluorides. No person shall allow the emission of fluorides into the ambient air to exceed four-tenths (0.4) pounds per ton of P_2O_5 or equivalent. The allowable emission of fluorides shall be calculated by multiplying the unit emission, specified above, times the expressed design production capacity of the installation or plant.

(50.7) 2. Miscellaneous Chemical Emissions. No person shall cause, permit, or allow the emission of toxic, noxious, or deleterious substances, in addition to those considered in these regulations, into the ambient air in concentrations sufficient to affect human health and well-being, or unreasonably interfere with the enjoyment of property or unreasonably and adversely affect plant or animal life beyond the boundaries of the property containing the air pollution source.

(10.0) SECTION 6. NEW SOURCES

The provisions of this section apply to the owner or operator of any source listed herein, the construction or modification of which is commenced after the date of adoption of specific emission limitations applicable to such source.

1. Kraft Pulping Mills. All sources shall minimize gaseous and particulate emissions by use of modern equipment, devices, maintenance, and operating practices in accordance with best current technology. In no case shall emissions exceed the limits set forth in any applicable Federal Standard of Performance for New Stationary Sources.

(2.0) SECTION 7. EXCEPTIONS

If any single source of emission or combination of sources of emission be found to compromise the ambient air quality in the State, beyond the limitations set forth in any national primary and secondary ambient air quality standards now or hereafter established by the Administrator of the Environmental Protection Agency pursuant to the Clean Air Act as amended December 31, 1970 (Public Law 91-640), not withstanding compliance with any maximum allowable emission rate allowed by this regulation, the Mississippi Air and Water Pollution Control Commission may require such further reduction in emissions from this or these sources as is necessary to obtain compliance with said national primary and secondary ambient air quality standards.

TABLE I

ALLOWABLE RATE OF EMISSION BASED ON PROCESS WEIGHT RATE

Process Weight	Input Rate or	Rate of Emission	Process Input Weight Rate		Rate of Emission
Lb/Hr	Tons/Hr	Lb/Hr	Lb/Hr or	Tons/Hr	Lb/Hr
100	0.05	0.551	16,000	8	16.5
200	0.10	0.877	18,000	9	17.9
400	0.20	1.40	20,000	10	19.2
600	0.30	1.83	30,000	15	25.2
800	0.40	2.22	40,000	20	30.5
1,000	0.50	2.58	50,000	25	35.4
1,500	0.75	3.38	60,000	30	40.0
2,000	1.00	4.10	70,000	35	44.4
2,500	1.25	4.76	80,000	40	48.6
3,000	1.50	5.38	90,000	45	52.5
3,500	1.75	5.96	100,000	50	56.4
4,000	2.00	6.52	120,000	60	63.7
5,000	2,50	7.58	140,000	70	70.6
6,000	3.00	8.56	160,000	80	77.3
7,000	3.50	9.49	200,000	100	89.7
8,000	4.00	10.4	1,000,000	500	264.0
9,000	4.50	11.2	2,000,000	1,000	420.0
10,000	5.00	12.0	6,000,000	3,000	876.0
12,000	6.00	13.6			

Exemptions from Rules and Regulations

Emissions occurring during major upsets may not be required to meet the allowable emission levels set by the Rules and Regulations upon proper notification if a determination is made by the Exectuive Director after consultation with appropriate local agencies that the upset conditions were unavoidable and that a shutdown or other correction actions were taken as soon as practicable.

Emissions occurring during start-up or shutdown of processes for maintenance purposes or during periods of maintenance may not be required to meet the allowable emission levels set by the Rules and Regulations if so determined by the Executive Director upon proper notification. The Executive Director may specify the amount, time, and duration of emissions that will be allowed during start-up and shutdown and during periods of maintenance.

(9.0) SECTION 8. TESTING METHODS

Testing to determine compliance with the preceding regulations shall be done in accordance with the test methods and procedures as approved by the Environmental Protection Agency.

MISSISSIPPI AIR AND WATER POLLUTION

CONTROL COMMISSION

(3.0) PERMIT REGULATIONS FOR THE CONSTRUCTION AND/OR OPERATION OF AIR EMISSIONS EQUIPMENT

APC-S-2, 1970
Adopted May 11, 1972

(2.0) 1.1 General Requirements

Pursuant to the authority granted by Section 7106-116, Mississippi Code of 1942, Recompiled, it shall be unlawful for any person to build, erect, alter, replace, use or operate any equipment which will cause the issuance of air contaminants unless he holds a permit from the Mississippi Air and Water Pollution Control Commission, except repairs or maintenance of equipment for which a permit has been previously issued.

It is the direct responsibility of each and every industry, operation or facility, existing or proposed which emits or conceivably will emit dust, fumes, mist, smoke, particulate matter, vapor, gas or any combination thereof, regardless of quantity, to make application for and secure the proper permit, or permits, as described in the following sections of this regulation.

(2.0) 1.2 Existing Facility

1.2.1 Definitions

"Existing facility." Any equipment, machines, devices, articles, contrivances or installations, built, installed or erected prior to May 11, 1972, that emits dust, fumes, mist, smoke, other particulate matter, vapor, gas or any combination thereof from the same process or related operation.

1.2.2 Application for Permit to Operate an Existing Facility.

1.2.2.1 For those facilities having previously submitted an Application for Permit to Operate an Existing Facility or currently hold a valid permit issued under Regulation APC-S-2, adopted May 8, 1970, see Section 3.0.

1.2.2.2 The application must be submitted on the form supplied by the Mississippi Air and Water Pollution Control Commission.

1.2.2.3 A separate application for a Permit to Operate an Existing Facility shall be submitted for each existing facility.

1.2.2.4 Each application must be signed by the applicant. The signature of the applicant shall constitute an agreement that the applicant assumes the responsibility for any alterations, additions or changes in operation than may be necessary to achieve and maintain emission standards or compliance with any other applicable regulations.

1.2.2.5 An application for a permit to operate an existing facility must be submitted within sixty (60) days from the effective date of this regulation.

1.2.2.6 Failure to make application for a permit to operate an existing facility within the sixty (60) day period shall be considered a violation of the Mississippi Air and Water Pollution Control Act and all violators shall be subject to prosecution.

1.2.2.7 Under no circumstances shall an extension be granted for the submission of an application to operate an existing facility.

1.2.2.8 The Mississippi Air and Water Pollution Control Commission may require additional information from the applicant in the event the application does not clearly define the points or sources of emissions.

1.2.2.9 Upon written request by the Mississippi Air and Water Pollution Control Commission the applicant shall furnish the necessary information to clearly and adequately define the points or sources of

emission or supply any other information determined necessary by the Mississippi Air and Water Pollution Control Commission.

(3.0) 1.3 Standards for Granting Permit to Operate

1.3.1 Any existing facility that can adequately demonstrate, either by stack emissions data or by acceptable mathematical methods, or by visible emissions evaluation, or by a combination of these methods, as described in Section 2.6 and 2.7, the emissions from their facility do not exceed the emission standards as defined in regulation APS-S-1, as amended January 19, 1972, and can also adequately demonstrate that the operation of their facility will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards will be granted a three (3) year permit to operate, provided the requirements of Section 1.5 have also been met.

1.3.2 Those existing facilities that cannot meet the requirements of the preceding section shall be granted a Tolerance Permit and given a reasonable amount of time to comply with the requirements of Section 1.3.1.

(3.0) 1.4 Tolerance Permit

1.4.1 A Tolerance Permit shall be issued to an existing facility that either employs inadequate air pollution control equipment or through the operation of said facility is interfering with the attainment and maintenance of the National Ambient Air Quality Standards.

1.4.2 A Tolerance Permit shall supersede and cause to expire all previously issued permits to that facility.

1.4.3 A Tolerance Permit shall set forth a definite time limit for achieving and maintaining compliance with emission standards and all other rules and regulations of the Mississippi Air and Water Pollution Control Commission.

1.4.4 Under no circumstances shall this time limit extend beyond July 31, 1975 for existing facilities.

1.4.5 Within sixty (60) days from the issuance date of the Tolerance Permit it shall be the responsibility of the facility to present to the Mississippi Air and Water Pollution Control Commission, an approvable implementation schedule setting forth the type of equipment and proposed dates of installation in order to achieve compliance with the rules and regulations of the Mississippi Air and Water Pollution Control Commission.

1.4.6 Those facilities failing to submit an approvable implementation schedule within the prescribed sixty (60) days will be issued an implementation schedule by the Mississippi Air and Water Polution Control

Commission. In no instance will an implementation schedule written by the Mississippi Air and Water Pollution Control Commission extend beyond eighteen (18) months for total compliance with Section 1.3.1 of this regulation.

1.4.7 A facility operating under a Tolerance Permit will be required to submit periodic reports the the Mississippi Air and Water Pollution Control Commission describing the work accomplished and the proposed work to be completed.

1.4.8 The frequency of these periodic reports shall be determined by the Mississippi Air and Water Pollution Control Commission at the time the implementation schedule is submitted. However, the maximum reporting interval shall not exceed six (6) months.

1.4.9 Upon completion of the proposed installation, alteration or modifications, the applicant shall be responsible for submitting performance data as stated in Section 2.6 or Section 2.7.

1.4.10 Should performance data fail to prove the air pollution control equipment adequate, the applicant shall be granted a ninety (90) day extension, if said extension does not extend July 31, 1975, to install or modify the necessary additional control equipment.

1.4.11 At the end of this ninety (90) day extension, the applicant shall again be charged with the responsibliity to prove adequacy by performance testing as described in Section 2.6 and 2.7.

1.4.12 Failure to be in compliance after this ninety (90) day period shall constitute a per day violation by the operation of the adequate facility and the applicant subject to prosecution under the Mississippi Air and Water Pollution Control Act.

1.4.13 A facility operating under a Tolerance Permit and having met the requirements of Section 1.3.1 will be issued written notification of approval and their Tolerance Permit caused to expire and replaced by a three-year Permit to Operate.

(2.0) 1.5 Emission Reduction Schedule

1.5.1 Within one hundred and twenty (120) days following the effective date of this regulation, it shall be the responsibility of each and every existing facility emitting in excess of 0.25 tons per day, total air contaminants and other significant sources, to supply the Mississippi Air and Water Pollution Control Commission with an emissions reduction schedule which shall set forth preplanned abatement strategies in the event an emergency episode does arise.

1.5.2 Required Information

1.5.2.1 The emissions reduction schedule must have three (3) stages of reduction procedures: (1) Alert level reduction; (2) Warning level reduction; and (3) Emergency level reduction.

1.5.2.2 Each level of reduction procedures must show the type and source of air contaminants, the amount of reduction of contaminants, the time required to reduce and the manner in which reduction will be achieved.

1.5.3 The emissions reduction schedule shall be subject to review and approval by the Mississippi Air and Water Pollution Control Commission.

1.5.4 An unacceptable emissions reduction schedule shall be returned to the applicant along with the Mississippi Air and Water Pollution Control Commission's reasons for denial.

1.5.5 The applicant shall have not more than thirty (30) days to amend a disapproved emissions reduction schedule to conform with the emission reduction standards as set forth by the Mississippi Air and Water Pollution Control Commission.

1.5.6 Any person aggrieved by the requirements to amend an emissions reduction schedule shall be entitled to a hearing.

1.5.7 Should an applicant fail to submit an emission reduction schedule within the allowable time period or fail to submit an amended preplanned strategy, the Mississippi Air and Water Pollution Control Commission will establish or revise said plan to cause it to meet the standards as set forth by the Mississippi Air and Water Pollution Control Commission.

1.5.8 Such established or revised preplanned strategies will thereafter be the preplanned strategies which the applicant will put into effect upon the issuance of an appropriate order by the Mississippi Air and Water Pollution Control Commission.

(3.0) 1.6 Renewal of Permit to Operate an Existing Facility

1.6.1 A permit to operate shall expire three (3) years from the issuance date of said permit.

1.6.2 Not less than ninety (90) days prior to the expiration date of the permit to operate, the applicant will make application for renewal of a permit to operate if the applicant desires to continue operation of that facility.

1.6.3 The application for renewal of a permit to operate will be substantiated with current emissions data, test results or reports or other data as deemed necessary.

1.6.4 The procedures shall then be followed as described in Section 4.0.

(3.0) 1.7 Suspension or Revocation of Permit to Operate

1.7.1 A permit to operate may be suspended or revoked by the Mississippi Air and Water Pollution Control Commission for the willful or continued violation of rules and regulations.

1.7.2 A permit to operate may be suspended or revoked for not complying with orders to reduce emissions during an air pollution episode or by violating any provisions made a part of the permit to operate.

1.7.3 A permit to operate shall be suspended if a facility ceases operation for a period of eighteen (18) months or more.

1.7.4 Suspension or revocation of a permit to operate shall become final ten (10) days after notification by the Mississippi Air and Water Pollution Control Commission.

1.7.5 A permit to operate which has been revoked shall be surrendered forthwith to the Mississippi Air and Water Pollution Control Commission.

(3.0) 1.8 Transfer of Permit

1.8.1 Any attempt to transfer a permit to operate to another owner or another source will automatically revoke the permit.

1.8.2 A facility operating under a valid permit to operate may change locations and operate under the same permit if and only if all other parameters (i.e. process weight) are left unchanged and the Commission approves this action.

1.8.3 A facility wishing to relocate must inform the Mississippi Air and Water Pollution Control Commission at least ninety (90) days prior to relocation.

(2.0) 2.0 New Facility

(1.0) 2.1 Definitions

2.1.1 "New Facility." Any equipment, machines, devices, articles, contrivances or installations, built or erected on or after May 11, 1972,

or any existing facility modified, repaired or rebuilt on or after said date that emits dust, fumes, mist, smoke, or other particulate matter, vapor, gas or any combination thereof from the same process or related operation.

(2.0) 2.2 Preliminary Information Requirements

2.2.1 Not less than thirty (30) days prior to the submission of an application for a permit to construct a new facility, a preliminary engineering study must be submitted to the Mississippi Air and Water Pollution Control Commission for review.

2.2.2 The preliminary study shall be conducted by a professional engineer registered in the State of Mississippi.

2.2.3 The preliminary study must include a discussion of the operation, the possible points of emissions, type of emissions, process weight values or pounds per hour capacity or some definite proposed input and output production values.

2.2.4 If a preliminary study is rejected, the Mississippi Air and Water Pollution Control Commission shall notify the applicant in writing as to the reasons for denial.

2.2.5 If a preliminary study is denied, the applicant may resubmit the study noting the changes in design as noted by the Mississippi Air and Water Pollution Control Commission.

2.2.6 The Mississippi Air and Water Pollution Control Commission reserves the right to waive the requirements of Section 2.2 for certain types of facilities.

(3.0) 2.3 Application for Permit to Construct New Facility

2.3.1 The application must be submitted on the form supplied by the Mississippi Air and Water Pollution Control Commission.

2.3.2 A separate application must be submitted for each new facility.

2.3.3 Each application must bear the signature and registration number of the professional engineer responsible for the design or review of the new facility.

2.3.4 The professional engineer approving the design of the new facility must be registered in the State of Mississippi.

2.3.5 The registered professional engineer by this signature shall assume responsibility for the design of the new facility.

2.3.6 Each application must be signed by the applicant. The signature of the applicant shall constitute an agreement that the applicant assumes the responsibility for any alterations, additions or changes in operation that may be necessary to achieve and maintain emission standards or compliance with any other applicable regulations.

2.3.7 An application for permit to construct a new facility must be submitted and approved prior to the start of actual construction or installation.

2.3.8 Failure to apply for a permit to construct a new facility or the premature start of construction without the written consent of the Mississippi Air and Water Pollution Control Commission shall constitute a violation of the Mississippi Air and Water Pollution Control Act and all violators shall be subject to prosecution.

2.3.9 Information Required

2.3.9.1 Each application for permit to construct a new facility must be accompanied by two (2) complete sets of site drawings, construction drawings, design calculations and specifications.

2.3.9.2 Upon written request by the Mississippi Air and Water Pollution Control Commission, the applicant shall furnish any additional information necessary to evaluate the design adequacy of the new facility.

2.3.9.3 All construction drawings and plan descriptions must be approved and stamped by the registered professional engineer whose name appears on the application for permit to construct a new facility.

(3.0) 2.4 Application Review

2.4.1 The Mississippi Air and Water Pollution Control Commission shall act within ninety (90) days on an application for permit to construct a new facility.

2.4.2 If the new facility is deemed inadequate in regard to the rules and regulations of the Mississippi Air and Water Pollution Control Commission, the applicant shall be notified in writing describing the reasons for permit denial.

2.4.3 The applicant shall then be allowed to submit the corrected designs to the Mississippi Air and Water Pollution Control Commission for their review.

2.4.4 If the application and proposed new facility is found to be adequate in regard to the rules and regulations of the Mississippi Air and Water Pollution Control Commission, the applicant shall be so notified

and a permit to construct issued.

2.4.6 Standards for Approving Applications to Construct a New Facility.

2.4.6.1 A new facility shall be designed and constructed so as to operate without causing a violation of the rules and regulations set forth by the Mississippi Air and Water Pollution Control Commission.

2.4.6.2 A new facility shall be designed and constructed so as to operate without interfering with the attainment and maintenance of the National Ambient Air Quality Standards.

2.4.6.3 A new facility shall be designed and equipped in accordance with the latest control technology in order to reduce emissions to a minimum where reasonable and practical or otherwise required.

2.4.6.4 The construction of a new facility shall be performed in such a manner so as to reduce both point source and fugitive dust emissions to a minumum.

2.4.6.5 A new facility, if so required by the Mississippi Air and Water Pollution Control Commission, shall be provided with:

(a) Sampling ports as stipulated by the Mississippi Air and Water Pollution Control Commission

(b) Safe access to each port, and

(c) Instrumentation to monitor and record emissions data.

2.4.7 Cancellation of Permit to Construct a New Facility

2.4.7.1 The Mississippi Air and Water Pollution Control Commission may revoke approval to construct should construction not begin within one (1) year from the date of issuance or should construction be suspended for one (1) year or more.

2.4.7.2 An applicant may request an extension of the expiration date by stating in writing the reasons for an extension.

2.4.7.3 An extension for approval to construct will not be granted for more than six (6) months.

2.4.8 Certification of Construction

2.4.8.1 Upon the completion of construction or installation of an approved facility, the registered professional engineer who approved the design of said construction or installation shall notify the Mississippi Air and Water Pollution Control Commission that construction or installation was performed in accordance with the approved plans and specifications on file with the Mississippi Air and Water Pollution Control Commission.

2.4.8.2 Should the registered engineer who approved the design of said construction or installation not be in a capacity or position to certify construction, a letter stating the reasons why must accompany the certification of construction by the engineer so certifying construction.

2.4.8.3 Should it become necessary to make minor field adjustments in the previously approved plans and specifications for a facility, it is required that these changes or corrections be brought to the attention of the Mississippi Air and Water Pollution Control Commission prior to construction certification.

2.4.8.4 Should the construction or installation of a new facility not be in accordance with the approved plans and specifications on file with the Mississippi Air and Water Pollution Control Commission, this shall be deemed falsification of data and constitute a violation of the Mississippi Air and Water Pollution Control Commission's rules and regulations.

(3.0) 2.5 Performance Evaluation Permit

2.5.1 Application for Performance Evaluation Permit shall be made within thirty (30) days prior to facility start-up.

2.5.2 Application for Performance Evaluation Permit shall be in the form of a written request.

2.5.3 A Performance Evaluation Permit shall be issued for not more than one-hundred and twenty (120) days commencing from the start-up date of the facility.

2.5.4 A Performance Evaluation Permit shall not be issued prior to the receipt of the certification of construction as described in Section 2.4.8.

2.5.5 A Performance Evaluation Permit shall govern that period of time during which the facility shall demonstrate either by stack emission data, or by acceptable mathematical methods, or by visible emissions evaluation, or by a combination of these methods that the emissions from the facility do not exceed the emission standards as defined by Regulation APC-S-1, as amended January 19, 1972, and that the operation of the

facility does not inferfere with the attainment and maintenance of the National Ambient Air Quality Standards.

2.5.6 The Mississippi Air and Water Pollution Control Commission reserves the right to perform such performance evaluations should it be so decided.

2.5.7 The method, or methods, used to evaluate the performance of a new facility and the responsible party shall be stipulated by the Mississippi Air and Water Pollution Control Commission at the time of issuance of the Performance Evaluation Permit.

2.5.8 Should performance evaluation, or a portion thereof, be stipulated as visible emission evaluation, the person or persons performing such evaluation shall be currently certified in smoke evaulation.

2.5.9 Should performance evaluation, or a portion thereof, be stipulated as stack emission data, the procedures as described in Section 2.6 of this regulation shall be adhered to.

2.5.10 Should performance evaluation, or a portion thereof, be stipulated as acceptable mathematical methods, the procedures as described in Section 2.7 shall be adhered to.

2.5.11 Should a facility not be able to adequately perform such evaluation within the one-hundred and twenty (120) day period, or through the process of evaluation demonstrate that the facility is inadequate, said facility may be granted an extension of the Performance Evaluation Permit provided that it can be demonstrated that the facility has been actively engaged in evaluating the performance of said facility and that the facility has acceptably met the requirements of all preceding subsections of Section 2.0 of this regulation.

2.5.12 An extension of the Performance Evaluation Permit in no instance shall be greater than one-hundred and eighty (180) days.

2.5.13 A facility that cannot adequately demonstrate compliance with the rules and regulations of the Mississippi Air and Water Pollution Control Commission, or the need for an extension of the Performance Evaluation Permit shall be subject to a per day violation for the operation of said facility.

2.5.14 A facility granted an extension of the Performance Evaluation Permit shall, at the time of request for extension, state, by means of an implementation schedule, the proposed corrections, adjustments, additional equipment, etc. to be employed to achieve and maintain compliance with the rules and regulations of the Mississippi Air and Water Pollution Control Commission.

(9.0) 2.6 Performance Testing

2.6.1 A facility, so directed, shall be granted one-hundred and twenty (120) days to substantiate, by the submission of data, the adequacy of their control equipment.

2.6.2 Requirements

2.6.2.1 The stack analysis will be performed in accordance with the methods as set forth by the Mississippi Air and Water Pollution Control Commission.

2.6.2.2 The results of the stack analysis shall be consistent (in units) with the emission standards as set forth in Regulation APC-S-1, as amended January 19, 1972.

2.6.2.3 Performance testing will be conducted at the expense of the applicant.

2.6.2.4 The Mississippi Air and Water Pollution Control Commission may monitor performance tests and conduct performance tests.

2.6.2.5 A facility which emits or causes to be emitted matter other than through a stack or a defined outlet of an air cleaning device may be classified inadequate in regard to control equipment.

2.6.2.6 The stack analysis report shall include but not be limited to the following:

1. Detailed description of testing procedures.

2. Sample calculation.

3. Results.

4. Comparison of results to the Mississippi Air Quality Regulation APC-S-1, as amended January 19, 1972.

(13.0) 2.7 Performance Evaluation Report

2.7.1 Acceptable mathematical methods to demonstrate control adequacy shall include but not be limited to the following:

A. An emissions inventory including:

1. Location and description of control equipment at each point source.

2. Determination of all possible pollutants at each point source,

characteristics, conditions, particle size distribution, etc.

3. Determination of process weight rate at each point of emission.

4. Listing of all stack parameters at each point of emission.

5. Detailed description of input materials (e.g. percent sulfur content, percent moisture, average BTU hearing value, etc.).

B. A detailed Engineering report including:

1. Sufficient calculation to demonstrate uncontrolled emissions.

2. Sufficient calculations to support or show design efficiency of control equipment.

3. Sufficient calculations to demonstrate controlled emissions.

4. Comparison of calculated controlled emissions with the applicable emission standards as set forth in Regulation APC-S-1, as amended January 19, 1972.

C. A detailed study of ground level concentrations of pollutants containing:

1. Detailed description of diffusion equations and the method or methods used.

2. Statement of background level.

3. Description of meteorological data used ahd how local correlation obtained.

4. Sample Calculations.

5. Results

6. Comparison of results with the National Ambient Air Quality Standards.

(2.0) 2.8 Emissions Reduction Schedule

2.8.1 It shall be the responsibility of each and every new facility emitting in excess of 0.25 tons per day, total air contaminants, and all other significant sources, to supply the Mississippi Air and Water Pollution Control Commission with an emissions reduction schedule which shall set forth preplanned abatement strategies in the event an emergency eposide does arise.

2.8.2 Within one-hundred and twenty (120) days from start up date of a new facility it shall be the responsibility of the applicant to supply the Mississippi Air and Water Pollution Control Commission with an emissions reduction schedule wihch shall set forth preplanned abatement strategies in the event an emergency episode does arise.

2.8.3 Required Information

2.8.3.1 The emissions reduction schedule must have three (3) stages of reduction procedures.

(1) Alert level reduction.

(2) Warning level reduction.

(3) Emergency level reduction.

2.8.3.2 Each level of reduction procedures must show the type and source of air contaminants, the amount of reduction of contaminants, the time involved in reduction and the manner in which reduction will be achieved.

2.8.4 The emissions reduction schedule shall be subject to review and approval by the Mississippi Air and Water Pollution Control Commission.

2.8.5 An unacceptable emissions reduction schedule shall be returned to the applicant along with the Mississippi Air and Water Pollution Control Commission's reasons for denial.

2.8.6 The applicant shall have not more than thirty (30) days to amend his emissions reduction schedule to conform with the emission reduction standards as set forth by the Mississippi Air and Water Pollution Control Commission.

2.8.7 Any person aggrieved by the requirements to amend an emissions reduction schedule shall be entitled to a hearing.

2.8.8 Should an applicant fail to submit an emissions reductions schedule within the allowable time period or fail to submit an amended preplanned strategy, the Mississippi Air and Water Pollution Control Commission will establish or revise said plan to cause it to meet the standards as set forth by the Mississippi Air and Water Pollution Control Commission.

2.8.9 Such established or revised preplanned strategies will thereafter be the preplanned strategy which the applicant will put into effect upon the issuance of an appropriate order by the Mississippi Air and Water Pollution Control Commission.

(3.0) 2.9 Permit to Operate

2.9.1 Standards for Granting Permit to Operate.

2.9.1.1 No new facility shall be granted a permit to operate until the following conditions have been met:

(a) Established by emissions data, test results or reports that the facility has achieved and can maintain emission standards as set forth by Regulation APC-S-1, amended January 19, 1972, and through the operation of said facility will not interfere with the attainment and maintenance of the National Ambient Air Quality Standards.

(b) Complied with all rules and regulations of the Mississippi Air and Water Pollution Control Commission.

(c) Submitted an acceptable emissions reduction schedule.

2.9.2 Issuance of Permit to Operate

2.9.2.1 A facility having achieved the standards as set forth in Section 2.9.1 shall be granted a permit to operate an air pollution control system.

2.9.2.2 This permit to operate shall expire three (3) years from the issuance date of said permit.

2.9.2.3 Not less than ninety (90) days prior to the expiration date of the permit to operate, the applicant will make application for renewal of a permit to operate if the applicant desires to continue operation of that facility.

2.9.2.4 The application for renewal of a permit to operate will be substantiated with current emissions data, test results or reports or other data as deemed necessary.

2.9.2.5 The procedure shall then be similar to that described in Section 4.0.

2.9.3 Suspension or Revocation of Permit to Operate.

2.9.3.1 A permit to operate may be suspended or revoked by the Mississippi Air and Water Pollution Control Commission for the willful or continued violation of rules and regulations.

2.9.3.2 A permit to operate may be suspended or revoked for not complying with orders to reduce emissions during an air pollution episode

or by violating any provisions made a part of the permit to operate.

2.9.3.3 A permit to operate shall be suspended if a facility ceases operation for a period of eighteen (19) months or more.

2.9.3.4 Suspension or revocation of a permit to operate shall become final ten (10) days after notification by the Mississippi Air and Water Pollution Control Commission.

2.9.3.5 A permit to operate which has been revoked shall be surrendered forthwith to the Mississippi Air and Water Pollution Control Commission.

2.9.4 Transfer of Permit

2.9.4.1 Any attempt to transfer a permit to operate to another owner or another source will automatically revoke the permit.

2.9.4.2 A facility operating under a valid permit to operate may change locations and operate under the same permit if and only if all other parameters (i.e. process weight) are left unchanged and the Commission approves this action.

2.9.4.3 A facility wishing to relocate must inform the Mississippi Air Pollution Control Commission at least ninety (90) days prior to relocation.

(3.0) 3.0 Permit System Change Over

3.1 Effective May 11, 1972, the Mississippi Air and Water Pollution Control Commission will begin re-issuing permits to those facilities having held a valid permit under Regulation APC-S-2, adopted May 8, 1970.

3.1.1 Those faciltities holding a permit to operate shall be reissued a three year permit to operate and the procedures as described in Section 4.0 shall be followed for renewal.

3.1.2 Those facilities holding approved applications for construction will be reissued construction permits and the procedures as described in and after Section 2.4 shall be followed.

3.1.3 Those facilities holding Temporary Permits will be reissued Tollerance Permits and the procedures described in and after Section 1.3 shall be followed.

3.1.4 Those facilities holding Tolerance Permits shall be reissued Tollerance Permits and the procedures described in and after Section 1.4 shall be followed, unless otherwise specified.

3.1.5 Those facilities having submitted an application for permit to operate an existing facility but not holding a permit from the Mississippi Air and Water Pollution Control Commission shall be reviewed and the necessary course of action followed as described in Section 1.3.

3.1.6 Those proposed facilities having submitted an application for permit to construct a new facility but not having yet obtained approval to construct from the Mississippi Air and Water Pollution Control Commission shall be reviewed and the procedures as described in Section 2.0 followed.

(3.0) 4.0 Renewal of Permit to Operate

(3.0) 4.1 Procedures for renewal of Permit to Operate

4.1.1 A permit to operate shall expire three (3) years from the issuance date of said permit.

4.1.2 Not less than ninety (90) days prior to the expiration date of the permit to operate, the applicant will make application for renewal of a permit to operate if the applicant desires to continue operation of that facility.

4.1.3 The application for renewal of a permit to operate will be substantiated with current emissions data, test results or reports on the data as deemed necessary.

(3.0) 4.2 Standards for renewal of Permit to Operate

4.2.1 A facility that can adequately demonstrate either by stack emissions data, or by acceptable mathematical methods, or by visible emissions evaluation, or by a combination of these methods that the emissions from said facility are in compliance with the emission limitations as set forth in Regulation APC-S-1, as amended January 19, 1972, or any subsequent emission limitations and also that the operation of said facility is not interfering with the maintenance of the National Ambient Air Quality Standards shall be reissued a three (3) year permit to operate.

4.2.2 A facility that cannot adequately demonstrate the requirements of Section 4.2.1 shall be issued a Tolerance Permit and given a reasonable amount of time to make the necessary correction to comply with Section 4.2.1.

(3.0) 4.3 Tolerance Permit

4.3.1 A Tolerance Permit shall be issued to a facility that either employs inadequate air pollution control equipment or through the operation of said facility is interfering with the attainment and maintenance of the National Ambient Air Quality Standards.

4.3.2 A Tolerance Permit shall supersede and cause to expire all previously issued permits to that facility.

4.3.3 A Tolerance Permit shall set forth a definite time limit for achieving and maintaining compliance with emission standards and all other rules and regulations of the Mississippi Air and Water Pollution Control Commission.

4.3.4 This time limit shall be stipulated by the Mississippi Air and Water Pollution Control Commission at the time of issuance of the Tolerance Permit.

4.3.5 This time limit shall take into account the necessary time to order, ship and install the necessary equipment, or make adjustments or correction of existing equipment to achieve compliance with the rules and regulations of the Mississippi Air and Water Control Commission.

4.3.6 Upon completion of installation or modification of the necessary equipment, the applicant shall be responsible for submitting performance data as stated in Section 2.6 or Section 2.7 as directed by the Mississippi Air and Water Pollution Control Commission.

4.3.7 Should performance data fail to prove the air pollution control equipment adequate, the facility shall be subject to a per day violation for the continued operation of said facility.

4.3.8 A facility that can adequately demonstrate compliance with the requirements of Section 4.2.1 shall then be reissued a three (3) year permit to operate.

(9.0)
(13.0) 5.0 Inspection and Emission Reporting Requirements

(9.0) 5.1 Inspection

5.1.1 All facilities holding a permit to operate shall be subject to a periodic eighteen month inspection, or on a schedule as set forth by the Mississippi Air and Water Pollution Control Commission, commencing with the issuance of a permit to operate.

5.1.2 The facility shall be evaluated with respect to visible emissions, fugitive dust and overall facility maintenance of air clean-

ing devices.

5.1.3 Those facilities holding other than a permit to operate shall be subjected to more frequent inspections in order to evaluate the progress the facility is making towards achieving and maintaining compliance with the rules and regulations of the Mississippi Air and Water Pollution Control Commission.

(13.0) 5.2 Emission Reporting

5.2.1 The Mississippi Air and Water Pollution Control Commission may require the installation, maintenance and use of monitoring equipment as deemed necessary.

5.2.2 The Mississippi Air and Water Pollution Control Commission may require the maintenance of records relating to the operation of air contamination sources and any authorized representative of the Mississippi Air and Water Pollution Control Commission may examine and copy any such records pertaining to the operation of such air contaminant source. Copies of such records shall be submitted to the Mississippi Air and Water Pollution Control Commission upon request.

5.2.3 Internal Reports, memoranda, field reports, laboratory analysis and like material, other than emission data, shall be treated confidentially by the Mississippi Air and Water Pollution Control Commission.

5.2.4 Emission data shall be available for public inspection between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday, at the office of the Mississippi Air and Water Pollution Control Commission, Sixth Floor, Robert E. Lee Building, Jackson, Mississippi.

(5.0) 6.0 Exclusions and Variances

6.1 The Mississippi Air and Water Pollution Control Commission may specify certain classes or sizes of articles, machines, equipment or other contrivances, as being exempt from the requirements to obtain permits. The Mississippi Air and Water Pollution Control Commission shall maintain an official list of the above exemptions for public inspection and shall also reserve the right to delete, add-on, modify, or otherwise change the exclusion list to effectuate the best possible control measures. A facility so affected by the alteration of the permit exclusion list will be so notified and be given a reasonable amount of time to comply with said alterations.

6.2 Institutions of higher learning, federal facilities or affiliated state agencies engaged in research and development may be granted exemptions to certain specific sections of this Regulation (APC-S-2, as adopted May 11, 1972) for the development, testing or demon-

stration of experimental facilities, operations or contrivances that emit or cause the emission of air contaminants, provided formal written request is made to the Mississippi Air and Water Pollution Control Commission with sufficient data to support the experimental characteristics of said facility, operation or contrivance.

MISSISSIPPI AIR AND WATER POLLUTION

CONTROL COMMISSION

(8.0) REGULATIONS FOR PREVENTION OF AIR POLLUTION EMERGENCY EPISODES

APC-S-3
Adopted January 25, 1972

(2.0) SECTION 1. GENERAL

(1) Authority. Pursuant to the authority granted by Section 7106-123, Mississippi Code of 1942, Recompiled, the following regulations are adopted to prevent the excessive buildup of air pollutants during air pollution episodes, thereby preventing the occurrence of an emergency due to the effects of these pollutants on the health of persons.

(1.0) SECTION 2. DEFINITIONS

(1) "Air Standards." The maximum allowable concentration of any air contaminant existing in the ambient air during a stated period of time, as adopted by the Commission.

(2) "Director." The Executive Director of the Mississippi Air and Water Pollution Control Commission.

(8.0) SECTION 3. EPISODE CRITERIA

Conditions justifying the proclamation of an air pollution alert, air pollution warning, or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutents in any place is attaining or has attained levels which could if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. In making this determination, the Director will be guided by the following criteria:

(a) "Air Pollution Forecast": An internal watch by the Department of Air Pollution Control shall be actuated by a National Weather Service advisory that Atmospheric Stagnation Advisory is in effect or the equivalent local forecast of stagnant atmospheric condition.

(b) "Alert": The Alert level is that concentration of pollutants at which first stage control actions are to begin. An Alert will be declared when any one of the following levels is reached at any moniter-ing site:

The SO_2 level is equal to or greater than 0.3 ppm (800 g/m3) for a 24-hour average.

The particulates level is equal to or greater than 3 COHs or 375 g/m^3 for a 25-hour average.

SO_2 and particulate combined--product of SO_2, ppm, 24-hour average, and COHs, 24-hour average equal to 0.2 or product of SO_2-- g/m^3m, 24-hour average, and particulate g/m^3, 24-hour average equal to 65000.

The CO level is equal to or greater than 15 ppm (17 mg/m^3) for an 8-hour average.

The oxidant (O_3) level is equal to or greater than .1 ppm (200 g/m^3) for a 1-hour average.

The NO_2 level is equal to or greater than 0.6 ppm (1130 g/m^3) for a 1-hour average or 0.15 ppm (282 g/m^3) for a 24-hour average, and meteorological conditions are such the pollutant concentration can be expected to remain at the above levels for twelve (12) or more hours or increase unless control actions are taken.

(c) "Warning": The warning level indicates that air quality is continuing to degrade and that additional control action are necessary. A warning will be declared when any one of the following levels is reached at any monitoring site:

The SO_2 level is equal to or greater than 0.6 ppm (1600 g/m^3) for a 24-hour average.

The particulates level is equal to or greater than 5.0 COHs or 625 g/m^3, for a 24-hour average.

SO_2 and particulates combined--produce of SO_2, ppm, 24-hour average and COHs, 24-hour average equal to 0.8 or product of SO_2, g/m^3, 24-hour average and particulate g/m^3, 24-hour average and particulate g/m^3, 24-hour average equal to 261000.

The CO level is equal to or greater than 30 ppm (34 mg/m^3) for an 8-hour average.

The oxidant (O_3) level is equal to or greater than 0.4 ppm (800 g/m^3) for a 1-hour average.

The NO_2 level is equal to or greater than 1.3 ppm (2260 g/m^3) for a 1-hour average or 0.3 ppm (565 g/m^3) for a 24-hour average and meteorological conditions are such that pollutant concentrations can be expected to remain at the above levels for twelve (12) or more hours or

increase unless control actions are taken.

(d) "Emergency": The emergency level indicates that air quality is continuing to degrade to a level that should never be reached and that the most stringent control actions are necessary. An emergency will be declared when any one of the following levels is reached at any monitoring site:

The SO_2 level is equal to or greater than 0.8 ppm (2100 g/m^3) for a 24-hour average.

The particulates level is equal to or greater than 7.0 COHs or (875 g/m^3) for a 24-hour average.

SO_2 and particulate combined--product of SO_2 ppm. 24-hour average and COHs, 24-hour average equal to 1.2 or product of SO_2 g/m^3, 24-hour average and particulate g/m^3, 24-hour average equal to 393000.

The CO level is equal to or greater than 40 ppm (46 mg/m^3) for an 8-hour average.

The oxidant (O_3) level is equal to or greater than 0.6 ppm (1200 g/m^3) for a 1-hour average.

The NO_2 level is equal to or greater than 1.6 ppm (3000 g/m^3) for a 1-hour average or 0.4 ppm (750 g/m^3) for a 24-hour average and the meteorological conditions are such that this condition can be expected to continue for twelve (12) or more hours.

(e) "Termination": Once declared, any status reached by application of these criteria will remain in effect until the criteria for that level are no longer met. At such time, the next lower status will be assumed.

(2.0) SECTION 4. EMISSION CONTROL ACTION PROGRAMS

(1) Any person responsible for the operation of a source of air contaminant which emits 0.25 tons per day or more of air contaminants for which air standards have been adopted shall prepare emission control action programs, consistent with good industrial practice and safe operating procedures, for reducing the emission of air contaminants into the outdoor atmosphere during periods of an AIR POLLUTION ALERT, AIR POLLUTION WARNING, AND AIR POLLUTION EMERGENCY. Emission control action programs shall be designed to reduce or eliminate emissions of air contaminants into the outdoor atmosphere in accordance with the objectives set forth in Tables 1-5 which are made part of this Section.

(2) Emission control action programs as required under Section 4

(1) shall be in writing and show the source of air contaminant, the approximate amount of reduction of contaminants, the approximate time required to effect the program, a brief description of the manner in which the reduction will be achieved during each stage of an air pollution episode, and such other information as the Commission shall deem pertinent.

(3) During a condition of AIR POLLUTION ALERT, AIR POLLUTION WARNING, AND AIR POLLUTION EMERGENCY, emission control action programs as required by Section 4(1) shall be made available on the premises to any person authorized to enforce the provisions of the Commission's emergency procedure.

(4) Emission control action programs as required by Section 4(1) shall be submitted to the Commission in accordance with procedures described in Regulation APC-S-2; such emission control action programs shall be subject to review and approval by the Commission. If, in the opinion of the Commission, such emission control action programs do not effectively carry out the objectives as setforth in Tables 1-5, the Commission may disapprove said emission control action programs, state its reason for disapproval and order the preparation of amended emission control action programs within the time period specified in the order. Any person aggrieved by the order requiring the preparation of a revised program is entitled to a hearing in accordance with Section 7106-120, Mississippi Code of 1942, Recompiled. If the person responsible fails within the time period specified in the order to submit an amended emission control action program which in the opinion of the Commission meets the said objectives, the Commission may revise the emission control action program to cause it to meet these objectives. Such revised program will thereafter be the emission control action program which the person responsible will put into effect upon the issuance of an appropriate order by the Commission.

(8.0) SECTION 5. EMERGENCY ORDERS

(1) Following are emergency orders which may be appropriate for use by the Director upon his declaration that an Air Pollution Emergency Episode exists for any air contaminants for which air standards have been adopted:

(a) Air Pollution Alert

1. Any one or combination of air contaminants:

a. Any person responsible for the operation of a source of air contamination as set forth in Section 4(1) shall take all AIR POLLUTION ALERT actions as required for such source of air

contamination; and shall particularly put into effects the emission control action programs for an AIR POLLUTION ALERT.

2. Suspended Particulate matter

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours between 12:00 noon and 4:00 P.M.

c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 P.M.

3. Nitrogen Oxides

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste shall be limited to the hours of 12:00 noon and 4:00 P.M.

(b) Air Pollution Warning

1. Any one or combination of air contaminants

a. Any person responsible for the operation of a source of air contamination as set forth in Section 4(1) shall take all AIR POLLUTION WARNING actions as required for such source of air contamination; and shall particularly put into effect the emission control action programs for an AIR POLLUTION WARNING.

2. Suspended particulate matter

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

c. Persons operating fuel-burning equipment which requires boiler lancing or soot blowing shall perform such operations only between the hours of 12:00 noon and 4:00 P.M.

3. Nitrogen oxides

a. There shall be no open burning by any persons of tree waste, vegetation, refuse, or debris in any form.

b. The use of incinerators for the disposal of any form of solid waste or liquid waste shall be prohibited.

(c) Air Pollution Emergency

1. Any one or combination of contaminants:

a. Any person responsible for the operation of a source of air contamination as descirbed in Section 4(1) shall take all AIR POLLUTION EMERGENCY.

b. All manufacturing establishments except those included in Section 5(1) (c) 1.a. will institute such action as will result in maximum reduction of air contaminants from their operations by ceasing, curtailing, or postponing operations which emit air contaminants to the extend possible without causing injury to persons or damage to equipment.

c. All places of employment described below shall immediately cease operations:

1. Mining and quarrying of non-metallic minerals.

2. All contract construction work except that which must proceed to avoid physical harm.

3. Wholesale trade establishments, i.e. places of business primarily engaged in selling merchandies to retailers, to industrial, commercial, institutional or professional users, or to other wholesalers, or acting as agents in buying merchandise for or selling merchandise to such persons or companies.

4. All offices of local, county, or state government including authorities, joint meetings, and any other public body; except to the extend that such office must continue to operate in order to enforce the requirements of this order pursuant to statute.

5. All retail trade establishments except pharmacies and stores primarily engaged in the sale of food.

6. Banks; credit agencies other than banks; securities and commodities brokers, dealers, exchanges and services; office of insurance carriers, agents and brokers; real estate offices.

7. Wholesale and retail laundries; laundry services and cleaning and dyeing establishments; photographic studios; beauty shops, barber ships, shoe repair shops.

8. Advertising Offices; consumer credit reporting, adjustment and collection agencies; duplicating, addressing, blueprinting; photocopying, mailing, mailing list and stenographic services; equipment rental services; commercial testing laboratories.

9. Automobile repair, automobile services, garages.

10. Establishments rendering amusement and recreation services including motion picture theatres.

11. Elementary and secondary schools, colleges, universities, professional schools, junior colleges, vocational schools, and public and private libraries.

d. There shall be no open burning by any person of tree waste, vegetation, refuse, or debris in any form.

e. The use of incinerators for the disposal of any form of solid or liquid waste shall be prohibited.

f. The use of motor vehicles is prohibited except in emergencies with the approval of local or state police.

(2) When the Director determines that an Air pollution Emergency Episode condition exists at one or more monitoring sites solely because of emissions from a limited number of sources, he may order such source or sources to put into effect the emission control action programs which are applicable for each episode stage.

Table 1. EMISSIONS REDUCTION OBJECTIVES
FOR PARTICULATE MATTER

Source of Air Contamination	Level	Action Required
1. Coal or oil-fired electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
	Emergency	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.

Source of Air Contamination	Level	Action Required
		c. Substantial reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Reduction of steam load demands consistent with continuing plant operations.
	Warning	a. Maximum reduction by utilization of fuels having lowest available ash content.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Reduction of steam load demands consistent with continuing plant operations.
		d. Making ready for use a plan action to be taken if an emergency develops.

Source of Air Contamination	Level	Action Required
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
		b. Maximum utilization of mid-day (12:00 Noon to 4:00 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
		c. Taking the action called for in the emergency plan.
3. A - Manufacturing, processing, and mining industires. AND B - Other persons required by the Commission to prepare standby plans.	Alert	a. Substantial reduction of air contaminants from manufacturing operations by curtailing, postponing, or deffering production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.

Source of Contamination	Level	Action Required
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors, or malodorous substances.
		c. Maximum reduction of heat load demands for processing.
4. Refuse disposal operations.	Alert	a. Maximum reduction by prevention of open burning.
		b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.
	Emergency	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.

Table 2. EMISSION REDUCTION OBJECTIVES FOR SULFUR OXIDES

Source of Air Contamination	Level	Action Required
1. Coal or oil-fired electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available sulfur content.
		b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Maximum reduction by utilization of fuels having lowest available sulfur content.
		b. Maximum reduction by diverting electric power generation to facilities outside of Warning Area.
	Emergency	a. Maximum reduction by utilization of fuels having lowest available sulfur content.
		b. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Coal or oil-fired process steam generating facilities.	Alert	a. Substantial reduction by utilization of fuels having lowest available sulfur content.
		b. Reduction of steam load demands consistent with continuing plant operations.

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction by utilization of fuels having the lowest availalbe sulfur content.
		b. Reduction of steam load demands consistent with continuing plant operations.
		c. Making ready for use a plan of action to be taken if an emergency develops.
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
		b. Taking the action called for in the emergency plan.
3. A - Manufacturing and processing industries. AND B - Other persons required by the Commission to prepare standby plans.	Alert	a. Substantial reduction of air contaminant from manufacturing operations by curtailing postponing, or deferring production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors or malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases vapors and malodorous substances.
		c. Maximum reduction of heat load demands for processing.

Table 3. EMISSION REDUCTION OBJECTIVES FOR NITROGEN OXIDES

Source of Air Contamination	Level	Action Required
1. Steam-electric power generating facilities.	Alert	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Substantial reduction by diverting electric power generation to facilities outside of Alert Area.
	Warning	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Maximum reduction by diverting electric power generation facilities outside Warning Area.
	Emergency	a. Maximum reduction by diverting electric power generation to facilities outside of Emergency Area.
2. Process steam generating facilities.	Alert	a. Substantial reduction by utilization of fuel which results in the formation of less air contaminants.
		b. Reduction of steam load demands consistent with continuing plant operations.

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction by utilization of fuel which results in the formation of less air contaminant.
		b. Reduction of steam load demands consistent with continuing plant operations.
		c. Making ready for use a plan of action to be taken if an emergency develops.
	Emergency	a. Maximum reduction by reducing heat and steam demands to absolute necessities consistent with preventing equipment damage.
3. A - Manufacturing and processing industries. AND B - Other persons required by the Commission to prepare Standby plans.	Alert	a. Substantial reduction of air contaminant from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors, or malodorous substances.
		c. Reduction of heat load demands from processing consistent with continuing plant operations.

Source of Air Contamination	Level	Action Required
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable ecomonic hardship by postponing production and allied operations.
		b. Maximum reduction by deferring trade waste disposal operations which emit particles, gases, vapors and malodorous substances.
		c. Reduction of heat load demands for processing consistent with continuing plant operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
		b. Elimination of air contaminants from trade waste disposal processes which emit particles, gases, vapors or malodorous substances.
		c. Maximum reduction of heat load demands for processing.

Source of Air Contamination	Level	Action Required
4. Stationary internal combustion engines.	Alert	a. Reduction of power demands for pumping consistent with continuing operations.
	Warning	a. Reduction of power demands for pumping consistent with continuing operations.
		b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.
	Emergency	a. Maximum reduction by reducing power demands to absolute necessities consistent with personnel safety and preventing equipment damage.
		b. Maximum reduction by utilization of fuels or power source which results in the formation of less air contaminants.
5. Refuse disposal operations.	Alert	a. Maximum reduction by preventing of open burning.
		b. Substantial reduction by limiting burning of refuse in incinerators to the hours between 12:00 Noon and 4:00 p.m.
	Warning	a. Maximum reduction by prevention of open burning.
		b. Complete elimination of the use of incinerators.

Source of Air Contamination	Level	Action Required
	Emergency	a. Maximum reduction of prevention of open burning. b. Complete elimination of the use of incinerators.

Table 4. EMISSION REDUCTION OBJECTIVES FOR HYDROCARBONS

Source of Air Contamination	Level	Action Required
1. Petroleum products storage and distribution.	Alert	a. Substantial reduction of air contaminant by curtailing, postponing, or deering transfer operations.
	Warning	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
	Emergency	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.
2. Surface coating and preparation.	Alert	a. Substantial reduction of air contaminants by curtailing, postponing or deferring transfer operations.
	Warning	a. Maximum reduction of air contaminants by assuming reasonable economic hardship by postponing transfer operations.
	Emergency	a. Elimination of air contaminants by curtailing, postponing, or deferring transfer operations to the extent possible without causing damage to equipment.

Source of Air Contamination	Level	Action Required
3. A - Manufacturing and processing industries. AND B - Other persons required by the Commission to prepare standby plans.	Alert	a. Substantial reduction of air contaminant from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable economic hardship by postponing production and allied operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.

Table 5. EMISSION REDUCTION OBJECTIVES FOR CARBON MONOXIDE

Source of Air Contamination	Level	Action Required
1. A - Manufacturing industries. AND B - Other persons required by the Commission to prepare standby plans.	Alert	a. Substantial reduction of of air contaminants from manufacturing operations by curtailing, postponing, or deferring production and allied operations.
	Warning	a. Maximum reduction of air contaminants from manufacturing operations by, if necessary, assuming reasonable hardship by postponing production and allied operations.
	Emergency	a. Elimination of air contaminants from manufacturing operations by ceasing, curtailing, postponing or deferring production and allied operations to the extent possible without causing injury to persons or damage to equipment.
2. Refuse disposal operations.	Alert	a. Maximum reduction by prevention of open burning.
	Warning	a. Maximum reduction by prevention of open burning.
	Emergency	a. Maximum reduction by prevention of open burning.

FEDERALLY PROMULGATED

REGULATIONS

(10.0) 52.1276 Review of New or Modified Indirect Sources

(b) Regulation for Review of New or Modified Indirect Sources

(1) All terms used in this paragraph but not specifically defined below shall have the meaning given them in 52.01 of this chapter.

(i) The term "indirect source" means a facility, building, structure, or installation which attracts or may attract mobile source activity that results in emissions of a pollutant for which there is a national standard. Such indirect sources include, but are not limited to:

(a) Highways and roads.

(b) Parking facilities.

(c) Retail, commercial and industrial facilities.

(d) Recreation, amusement, sports and entertainment facilities.

(e) Airports.

(f) Office and Government buildings.

(g) Apartment and condominium buildings.

(h) Education facilities.

(ii) The term "Administrator" means the Administrator of the Environmental Protection Agency or his designated agent.

(iii) The term "associated parking area" means a parking facility or facilities owned and/or operated in conjunction with an indirect source.

(iv) The term "aircraft operation" means an aircraft take-off or landing.

(v) The phrase "to commence construction" means to engage in a continuous program of on-site construction including site clearance, grading, dredging, or land filling specifically designed for an indirect source in preparation for the fabrication, erection, or installation of the building components of the indirect source. For the purpose of this paragraph, interruptions resulting from acts of God, strikes, litigation, or other matters beyond the control of the owner shall be disregarded in determining whether a construction or modification program is continuous.

(vi) The phrase "to commence modification" means to engage in a continuous program of on-site modification, including site clearance, grading, dredging, or land filling in preparation for specific modification of the indirect source.

(vii) The term "highway section" means the development proposal of a highway of substantial length between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study or multi-year highway improvement program as set forth in 23 CFR 770.201 (38 FR 31677).

(viii) The term "highway project" means all or a portion of a highway section which would result in a specific construction contract.

(ix) The term "Standard Metropolitan Statistical Area (SMSA)" means such areas as designated by the U.S. Bureau of the Budget in the following publication: "Standard Metropolitan Statistical Area," issued in 1967, with subsequent amendments.

(2) The requirements of this paragraph are applicable to the following:

(i) In an SMSA:

(a) Any new parking facility or other new indirect source with an associated parking area, which has a new parking capacity of 1,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 500 cars or more; or

(c) Any new highway project with an anticipated average annual daily traffic volume of 20,000 or more vehicles per day within ten years of construction; or

(d) Any modified highway project which will increase average annual daily traffic volume by 10,000 or more vehicles per day within ten years after modification.

(ii) Outside an SMSA:

(a) Any new parking facility, or other new indirect source with an associated parking area, which has a parking capacity of 2,000 cars or more; or

(b) Any modified parking facility, or any modification of an associated parking area, which increases parking capacity by 1,000 cars or more.

(iii) Any airport, the construction or general modification program of which is expected to result in the following activity within ten years of construction or modification:

(a) New airport: 50,000 or more operations per year by regularly scheduled air carriers, or use by 1,600,000 or more passengers per year.

(b) Modified airport: Increase of 50,000 or more operations per year by regularly scheduled air carriers over the existing volume of operations, or increase of 1,600,000 or more passengers per year.

(iv) Where an indirect source is constructed or modified in increments which individually are not subject to review under this paragraph, and which are not part of a program of construction or modification in planned incremental phases approved by the Administrator, all such increments commenced after December 31, 1974, or after the latest approval hereunder, whichever date is most recent, shall be added together for determining the applicability of this paragraph.

(3) No owner or operator of an indirect source subject to this paragraph shall commence construction or modification of such source after December 31, 1974, without first obtaining approval from the Administrator. Application for approval to construct or modify shall be by means prescribed by the Administrator, and shall include a copy of any draft or final environmental impact statement which has been prepared pursuant to the National Environmental Policy Act (42 U.S.C. 4321). If not included in such environmental impact statement, the Administrator may request the following information:

(i) For all indirect sources subject to this paragraph, other than highway projects:

(a) The name and address of the applicant.

(b) A map showing the location of the site of indirect source and the topography of the area.

(c) A description of the proposed use of the site, including the normal hours of operation of the facility, and the general types of activities to be operated therein.

(d) A site plan showing the location of associated parking areas, points of motor vehicle ingress and egress to and from the site and its associated parking areas, and the location and height of buildings on the site.

(e) An identification of the principal roads, highways, and intersections that will be used by motor vehicles moving to or from the indirect source.

(f) An estimate, as of the first year after the date the indirect source will be substantially complete and operational, of the average daily traffic volumes, maximum traffic volumes for one-hour and eight-hour periods, and vehicle capacities of the principal roads, highways, and intersections identified pursuant to subdivision (i) (e) of this subparagraph located within one-fourth mile of all boundaries of the site.

(g) Availability of existing and projected mass transit to service the site.

(h) Where approval is sought for indirect sources to be constructed in incremental phases, the information required by this subparagraph (3) shall be submitted for each phase of the construction project.

(i) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(ii) For airports:

(a) An estimate of the average number and maximum number of aircraft operations per day by type of aircraft during the first, fifth and tenth years after the date of expected completion.

(b) A description of the commercial, industrial, residential and other development that the applicant expects will occur within three miles of the perimeter of the airport within the first five and the first ten years after the date of expected completion.

(c) Expected passenger loadings at the airport.

(d) The information required under subdivisions (i) (a) through (i) of this subparagraph.

(iii) For highway projects:

(a) A description of the average and maximum traffic volumes for one, eight, and 24-hour time periods expected within 10 years of date of expected completion.

(b) An estimate of vehicle speeds for average and maximum traffic volume conditions and the vehicle capacity of the highway project.

(c) A map showing the location of the highway project, including the location of buildings along the right-of-way.

(d) A description of the general features of the highway project and associated right-of-way, including the approximate height of buildings adjacent to the highway.

(e) Any additional information or documentation that the Administrator deems necessary to determine the air quality impact of the indirect source, including the submission of measured air quality data at the proposed site prior to construction or modification.

(iv) For indirect sources other than airports and those highway projects subject to the provisions of paragraph (b) (6) (iii) of this section, the air quality monitoring requirements of paragraph (b) (3) (i) (i) of this section shall be limited to carbon monoxide, and shall be conducted for a period of not more than 14 days.

(4) (i) For indirect sources other than highway projects and airports, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The Administrator shall make the determination pursuant to paragraph (b) (4) (i) (b) of this section by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected to be attracted by the indirect source. Such determination may be made by using traffic flow characteristic guidelines

published by the Environmental Protection Agency which relate traffic demand and capacity considerations to ambient carbon monoxide impact, by use of appropriate atmospheric diffusion models (examples of which are referenced in Appendix O to Part 51 of this chapter), and/or by any other reliable analytic method. The applicant may (but need not) submit with his application, the results of an appropriate diffusion model and/or any other reliable analytic method, along with the technical data and information supporting such results. Any such results and supporting data submitted by the applicant shall be considered by the Administrator in making his determination pursuant to paragraph (b) (4) (i) (b) of this section.

(5) (i) For airports subject to this paragraph, the Administrator shall base his decision on the approval or disapproval of an application on the considerations to be published as an Appendix to this Part.

(ii) For highway projects and parking facilities specified under paragraph (b) (2) of this section which are associated with airports, the requirements and procedures specified in paragraphs (b) (4) and (6) (i) and (ii) of this section shall be met.

(6) (i) For all highway projects subject to this paragraph, the Administrator shall not approve an application to construct or modify if he determines that the indirect source will:

(a) Cause a violation of the control strategy of any applicable state implementation plan; or

(b) Cause or exacerbate a violation of the national standards for carbon monoxide in any region or portion thereof.

(ii) The determination pursuant to paragraph (b) (6) (i) (b) of this section shall be made by evaluating the anticipated concentration of carbon monoxide at reasonable receptor or exposure sites which will be affected by the mobile source activity expected on the highway for the ten year period following the expected date of completion according to the procedures specified in paragraph (b) (4) (ii) of this section.

(iii) For new highway projects subject to this paragraph with an anticipated average daily traffic volume of 50,000 or more vehicles within ten years of construction, or modifications to highway projects subject to this paragraph which will increase average daily traffic volume by 25,000

or more vehicles within ten years after modification, the Administrator's decision on the approval or disapproval of an application shall be based on the considerations to be published as an Appendix to this Part in addition to the requirements of paragraph (b) (6) (i) of this section.

(7) The determination of the air quality impact of a proposed indirect source "at reasonable receptor or exposure sites", shall mean such locations where people might reasonably be exposed for time periods consistent with the national ambient air quality standards for the pollutants specified for analysis pursuant to this paragraph.

(8) (i) Within 20 days after receipt of an application or addition thereto, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (b) (8) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the indirect source should be approved, approved with conditions in accordance with paragraphs (b) (9) or (10) of this section, or disapproved.

(b) Make available in at least one location in each region in which the proposed indirect source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination, and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in a newspaper of general circulation in each region in which the proposed indirect source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the indirect source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the location where the indirect source will be situated, as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional

land use planning agency; and for highways, any local board or committee charged with responsibility for activities in the conduct of the urban transportation planning process (3-C process) pursuant to 23 U.S.C. 134.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the indirect source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraphs (b) (8) (ii), (iv), or (v) of this section by no more than 30 days, or such other period as agreed to by the applicant and the Administrator.

(9) (i) Whenever an indirect source as proposed by an owner or operator's application would not be permitted to be constructed for failure to meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section, the Administrator may impose reasonable conditions on an approval related to the air quality aspects of the proposed indirect source so that such source, if constructed or modified in accordance with such conditions, could meet the tests set forth pursuant to paragraphs (b) (4) (i), (b) (5) (i), or (b) (6) (i) and (iii) of this section. Such conditions may include, but not be limited to:

(a) Binding commitments to roadway improvements or additional mass transit facilities to serve the indirect source secured by the owner or operator from governmental agencies having jurisdiction thereof;

(b) Binding commitments by the owner or operator to specific programs for mass transit incentives for employees and patrons of the source; and

(c) Binding commitments by the owner or operator to construct, modify, or operate the indirect source in such a manner as may be necessary to achieve the traffic flow characteristics published by the Environmental Protection Agency pursuant to paragraph (b) (4) (ii) of this section.

(ii) The Administrator may specify that any items of information provided in an application for approval related to the operation of an indirect source which may affect the source's air quality impact shall be considered permit conditions.

(10) Notwithstanding the provisions relating to modified indirect sources contained in paragraph (b) (2) of this section, the Administrator may condition any approval by reducing the extent to which the indirect source may be further modified without resubmission for approval under this paragraph.

(11) Any owner or operator who fails to construct an indirect source in accordance with the application as approved by the Administrator; any owner or operator who fails to construct and operate an indirect source in accordance with conditions imposed by the Administrator under paragraph (b) (9) of this section; any owner or operator who modifies an indirect source in violation of conditions imposed by the Administrator under paragraph (b) (10) of this section; or any owner or operator of an indirect source subject to this paragraph who commences construction or modification thereof after December 31, 1974, without applying for and receiving approval hereunder, shall be subject to the penalties specified under section 113 of the Act and shall be considered in violation of an emission standard or limitation under section 304 of the Act. Subsequent modification to an approved indirect source may be made without applying for permission pursuant to this paragraph only where such modification would not violate any condition imposed pursuant to paragraphs (b) (9) and (10) of this section and would not be subject to the modification criteria set forth in paragraph (b) (2) of this section.

(12) Approval to construct or modify shall become invalid if construction or modification is not commenced within 24 months after receipt of such approval. The Administrator may extend such time period upon satisfactory showing that an extension is justified. The applicant may apply for such an extension at the time of initial application or at any time thereafter.

(13) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State implementation plan.

(14) Where the Administrator delegates the responsibility for implementing the procedures for conducting indirect source review pursuant to this paragraph to any agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult the appropriate State or local air pollution control agency prior to making any determination required by paragraphs (b) (4), (5), or (6) of this section. Similarly, where the agency designated does not have continuing responsibilities for land use planning, such agency shall consult with the appropriate State or local land use and transportation planning agency prior to making any determination required by paragraph (b) (9) of this section.

(ii) The Administrator of the Environmental Protection Agency shall conduct the indirect source review pursuant to this paragraph for any indirect source owned or operated by the United States Government.

(iii) A copy of the notice required pursuant to paragraph (b) (8) (ii) (c) of this section shall be sent to the Administrator through the appropriate Regional Office.

(15) In any area in which a "management of parking supply" regulation which has been promulgated by the Administrator is in effect, indirect sources which are subject to review under the terms of such a regulation shall not be required to seek review under this paragraph but instead shall be required to seek review pursuant to such management of parking supply regulation. For purposes of this paragraph, a "management of parking supply" regulation shall be any regulation promulgated by the Administrator as part of a transportation control plan pursuant to the Clean Air Act which requires that any new or modified facility containing a given number of parking spaces shall receive a permit or other prior approval, issuance of which is to be conditioned on air quality considerations.

(16) Notwithstanding any of the foregoing provisions to the contrary, the operation of this paragraph is hereby suspended pending further notice. No facility which commences construction prior to the expiration of the sixth month after the operation of this paragraph is reinstated (as to that type of facility) shall be subject to this paragraph.

(37 FR 10846, May 31, 1972 as amended at 40 FR 28065, July 3, 1975; 40 FR 40160, Sept. 2, 1975)

(14.0) 52.1277 Public Availability of Emission Data

(b) Regulation for public availability of emission data.

(1) Any person who cannot obtain emission data from the Agency responsible for making emission data available to the public as specified in the applicable plan, concerning emissions from any source subject to emission limitations which are part of the approved plan may request that the appropriate Regional Administrator obtain and make public such data. Within 30 days after receipt of any such written request, the Regional Administrator shall require the owner or operator of any such source to submit information within 30 days on the nature and amounts of emissions from such source and any other information as may be deemed necessary by the Regional Administrator to determine whether such source is in compliance with applicable emission limitations or other control measures that are part of the applicable plan.

(2) Commencing after the initial notification by the Regional Administrator pursuant to paragraph (b)(1) of this section, the owner or operator of the source shall maintain records of the nature and amounts of emissions from such source is in compliance with applicable emission limitations or other control measures that are part of the plan. The information recorded shall be summarized and reported to the Regional Administrator, on forms furnished by the Regional Administrator, and shall be submitted within 45 days after the end of the reporting period. Reporting periods are January 1-June 30 and July 1-December 31.

(3) Information recorded by the owner or operator and copies of this summarizing report submitted to the Regional Administrator shall be retained by the owner or operator for 2 years after the date on which the pertinent report is submitted.

(4) Emission data obtained from owners or operators of stationary sources will be correlated with applicable emission limitations and other control measures that are part of the applicable plan and will be available at the appropriate regional office and at other locations in the state designated by the Regional Administrator.

(17.0) 52.1280 Prevention of Significant Deterioration

(b) Definitions. For the purposes of this section:

(1) "Facility" means an identifiable piece of process equipment. A stationary source is composed of one or more pollutant-emitting facilities.

(2) The phrase "Administrator" means the Administrator of the Environmental Protection Agency or his designated representative.

(3) The phrase "Federal Land Manager" means the head, or his designated representative, of any Department or Agency of the Federal Government which administers federally-owned land, including public domain lands.

(4) The phrase "Indian Reservation" means any federally-recognized reservation established by Treaty, Agreement, Executive Order, or Act of Congress.

(5) The phrase "Indian Governing Body" means the governing body of any tribe, band, or group of Indians subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.

(6) "Construction" means fabrication, erection or installation of a stationary source.

(7) "Commenced" means that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

(c) Area designation and deterioration increment

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the provisions shall also be applicable to all lands owned by the Federal Government and Indian Reservations located in such State. The provisions of this paragraph do not apply in those counties or other functionally equivalent areas that pervasively exceeded any national ambient air quality standards during 1974 for sulfur dioxide or particulate matter and then only with respect to such pollutants. States may notify the Administrator at any time of those areas which exceeded the national standards during 1974 and therefore are exempt from the requirements of this paragraph.

(2) (i) For purposes of this paragraph, areas designated as Class I or II shall be limited to the following increases in pollutant concentration occurring since January 1, 1975:

Pollutant	Area Designations: Class I (ug/m^3)	Area Designations: Class II (ug/m^3)
Particulate matter:		
Annual geometric mean	5	10
24-hr maximum	10	30
Sulfur dioxide:		
Annual arithmetic mean	2	15
24-hr maximum	5	100
3-hr maximum	25	700

(ii) For purposes of this paragraph, areas designated as Class III shall be limited to concentrations of particulate matter and sulfur dioxide no greater than the national ambient air quality standards.

(iii) The air quality impact of sources granted approval to construct or modify prior to January 1, 1975 (pursuant to the approved new source review procedures in the plan) but not yet operating prior to January 1, 1975, shall not be counted against the air quality increments specified in paragraph (c) (2) (i) of this section.

(3) (i) All areas are designated Class II as of the effective date of this paragraph. Redesignation may be proposed by the respective States, Federal Land Manager, or Indian Governing Bodies, as provided below, subject to approval by the Administrator.

(ii) The State may submit to the Administrator a proposal to redesignate areas of the State Class I, Class II, or Class III, provided that:

(a) At least one public hearing is held in or near the area affected and this public hearing is held in accordance with procedures established in 51.4 of this chapter, and

(b) Other States, Indian Governing Bodies, and Federal Land Managers whose lands may be affected by the proposed redesignation are notified at least 30 days prior to the public hearing, and

(c) A discussion of the reasons for the proposed redesignation is available for public inspection at least 30 days prior to the hearing and the notice announcing the hearing contains appropriate notification of the availability of such discussion, and

(d) The proposed redesignation is based on the record of the State's hearing, which must reflect the basis for the proposed redesignation, including consideration of (1) growth anticipated in the area, (2) the social, environmental, and economic effects of such redesignation upon the area being proposed for redesignation and upon other areas and States, and (3) any impacts of such proposed redesignation upon regional or national interests.

(e) The redesignation is proposed after consultation with the elected leadership of local and other substate general purpose governments in the area covered by the proposed redesignation.

(iii) Except as provided in paragraph (c) (3) (iv) of this section, a State in which lands owned by the Federal Government are located may submit to the Administrator a proposal to redesignate such lands Class I, Class II, or Class III in accordance with subdivision (ii) of this subparagraph provided that:

(a) The redesignation is consistent with adjacent State and privately owned land, and

(b) Such redesignation is proposed after consultation with the Federal Land Manager.

(iv) Notwithstanding subdivision (iii) of this subparagraph, the Federal Land Manager may submit to the Administrator a proposal to redesignate any Federal lands to a more restrictive designation than would otherwise be applicable provided that:

(a) The Federal Land Manager follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Federal Land is located or which border the Federal Land.

(v) Nothing in this section is intended to convey authority to the States over Indian Reservations where States have not assumed such authority under other laws nor is it intended to deny jurisdiction which States have assumed

under other laws. Where a State has not assumed jurisdiction over an Indian Reservation the appropriate Indian Governing Body may submit to the Administrator a proposal to redesignate areas Class I, Class II, or Class III, provided that:

(a) The Indian Governing Body follows procedures equivalent to those required of States under paragraph (c) (3) (ii) and,

(b) Such redesignation is proposed after consultation with the State(s) in which the Indian Reservation is located or which border the Indian Reservation and, for those lands held in trust, with the approval of the Secretary of the Interior.

(vi) The Administrator shall approve, within 90 days, any redesignation proposed pursuant to this subparagraph as follows:

(a) Any redesignation proposed pursuant to subdivisions (ii) and (iii) of this subparagraph shall be approved unless the Administrator determines (1) that the requirements of subdivisions (ii) and (iii) of this subparagraph have not been complied with, (2) that the State has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph, or (3) that the State has not requested and received delegation of responsibility for carrying out the new source review requirements of paragraphs (d) and (e) of this section.

(b) Any redesignation proposed pursuant to subdivision (iv) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (iv) of this subparagraph have not been complied with, or (2) that the Federal Land Manager has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(c) Any redesignation submitted pursuant to subdivision (v) of this subparagraph shall be approved unless he determines (1) that the requirements of subdivision (v) of this subparagraph have not been complied with, or (2) that the Indian Governing Body has arbitrarily and capriciously disregarded relevant considerations set forth in subparagraph (3) (ii) (d) of this paragraph.

(d) Any redesignation proposed pursuant to this paragraph shall be approved only after the Administrator has solicited written comments from affected Federal agencies and Indian Governing Bodies and from the public on the proposal.

(e) Any proposed redesignation protested to the proposing State, Indian Governing Body, or Federal Land Manager and to the Administrator by another State or Indian Governing Body because of the effects upon such protesting State or Indian Reservation shall be approved by the Administrator only if he determines that in his judgment the redesignation appropriately balances considerations of growth anticipated in the area proposed to be redesignated; the social, environmental and economic effects of such redesignation upon the area being redesignated and upon other areas and States; and any impacts upon regional or national interests.

(f) The requirements of paragraph (c) (3) (vi) (a) (3) that a State request and receive delegation of the new source review requirements of this section as a condition to approval of a proposed redesignation, shall include as a minimum receiving the administrative and technical functions of the new source review. The Administrator will carry out any required enforcement action in cases where the State does not have adequate legal authority to initiate such actions. The Administrator may waive the requirements of paragraph (c) (3) (vi) (a) (3) if the State Attorney-General has determined that the State cannot accept delegation of the administrative/technical functions.

(vii) If the Administrator disapproves any proposed area designation under this subparagraph, the State, Federal Land Manager or Indian Governing Body, as appropriate, may resubmit the proposal after correcting the deficiencies noted by the Administrator or reconsidering any area designation determined by the Administrator to be arbitrary and capricious.

(d) Review of new sources

(1) The provisions of this paragraph have been incorporated by reference into the applicable implementation plans for various States, as provided in Subparts B through DDD of this part. Where this paragraph is so incorporated, the requirements of this paragraph apply to any new or modified stationary source of the type identified below which has not commenced construction or modification prior to June 1, 1975 except as specifically provided below. A

source which is modified, but does not increase the amount of sulfur oxides or particulate matter emitted, or is modified to utilize an alternative fuel, or higher sulfur content fuel, shall not be subject to this paragraph.

(i) Fossil-Fuel Steam Electric Plants of more than 1000 million B.T.U. per hour heat input.

(ii) Coal Cleaning Plants.

(iii) Kraft Pulp Mills.

(iv) Portland Cement Plants.

(v) Primary Zinc Smelters.

(vi) Iron and Steel Mills.

(vii) Primary Aluminum Ore Reduction Plants.

(viii) Primary Copper Smelters.

(ix) Municipal Incinerators capable of charging more than 250 tons of refuse per 24 hour day.

(x) Sulfuric Acid Plants.

(xi) Petroleum Refineries.

(xii) Lime Plants.

(xiii) Phosphate Rock Processing Plants.

(xiv) By-Product Coke Oven Batteries.

(xv) Sulfur Recovery Plants.

(xvi) Carbon Black Plants (furnace process).

(xvii) Primary Lead Smelters.

(xviii) Fuel Conversion Plants.

(xix) Ferroalloy production facilities commencing construction after October 5, 1975.

(2) No owner or operator shall commence construction or modification of a source subject to this paragraph unless the Administrator determines that, on the basis of information submitted pursuant to subparagraph (3) of this paragraph:

(i) The effect on air quality concentration of the source or modified source, in conjunction with the effects of growth and reduction in emissions after January 1, 1975, of other sources in the area affected by the proposed source, will not violate the air quality increments applicable in the area where the source will be located nor the air quality increments applicable in any other areas. The analysis of emissions growth and reduction after January 1, 1975, of other sources in the areas affected by the proposed source shall include all new and modified sources granted approval to construct pursuant to this paragraph; reduction in emissions from existing sources which contributed to air quality during all or part of 1974; and general commercial, residential, industrial, and other sources of emissions growth not exempted by paragraph (c) (2) (111) of this section which has occurred since January 1, 1975.

(ii) The new or modified source will meet an emission limit, to be specified by the Administrator as a condition to approval, which represents that level of emission reduction which would be achieved by the application of best available control technology, as defined in 52.01 (f), for particulate matter and sulfur dioxide. If the Administrator determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may instead prescribe a design or equipment standard requiring the application of best available control technology. Such standard shall to the degree possible set forth the emission reductions achievable by implementation of such design or equipment, and shall provide for compliance by means which achieve equivalent results.

(iii) With respect to modified sources, the requirements of subparagraph (2) (ii) of this paragraph shall be applicable only to the facility or facilities from which emissions are increased.

(3) In making the determinations required by paragraph (d) (2) of this section, the Administrator shall, as a minimum, require the owner or operator of the source subject to this paragraph to submit: site information, plans, description, specifications, and drawings showing the design of the source; information necessary to determine the impact that the construction or modification will have on sulfur dioxide and particulate matter air quality levels; and any other information necessary to determine that best available control technology will be applied. Upon request of the Administrator, the owner or operator of the source shall provide information on the nature and extent of general commercial, residential, industrial, and other growth which has occurred in the area affected by the source's emissions (such area to be specified by the

Administrator) since January 1, 1975.

(4) (i) Where a new or modified source is located on Federal Lands, such source shall be subject to the procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be in addition to applicable procedures conducted by the Federal Land Manager for administration and protection of the affected Federal Lands. Where feasible, the Administrator will coordinate his review and hearings with the Federal Land Manager to avoid duplicate administrative procedures.

(ii) New or modified sources which are located on Indian Reservations shall be subject to procedures set forth in paragraphs (d) and (e) of this section. Such procedures shall be administered by the Administrator in cooperation with the Secretary of the Interior with respect to lands over which the State has not assumed jurisdiction under other laws.

(iii) Whenever any new or modified source is subject to action by a Federal Agency which might necessitate preparation of an environmental impact statement pursuant to the National Environmental Policy Act (42 U.S.C. 4321), review by the Administrator conducted pursuant to this paragraph shall be coordinated with the broad environmental reviews under that Act, to the maximum extent feasible and reasonable.

(5) Where an owner or operator has applied for permission to construct or modify pursuant to this paragraph and the proposed source would be located in an area which has been proposed for redesignation to a more stringent class (or the State, Indian Governing Body, or Federal Land Manager has announced such consideration), approval shall not be granted until the Administrator has acted on the proposed redesignation.

(e) Procedures for public participation

(1) (i) Within 20 days after receipt of an application to construct, or any addition to such application, the Administrator shall advise the owner or operator of any deficiency in the information submitted in support of the application. In the event of such a deficiency, the date of receipt of the application for the purpose of paragraph (e) (1) (ii) of this section shall be the date on which all required information is received by the Administrator.

(ii) Within 30 days after receipt of a complete application, the Administrator shall:

(a) Make a preliminary determination whether the source should be approved, approved with conditions, or disapproved.

(b) Make available in at least one location in each region in which the proposed source would be constructed, a copy of all materials submitted by the owner or operator, a copy of the Administrator's preliminary determination and a copy or summary of other materials, if any, considered by the Administrator in making his preliminary determination; and

(c) Notify the public, by prominent advertisement in newspaper of general circulation in each region in which the proposed source would be constructed, of the opportunity for written public comment on the information submitted by the owner or operator and the Administrator's preliminary determination on the approvability of the source.

(iii) A copy of the notice required pursuant to this subparagraph shall be sent to the applicant and to officials and agencies having cognizance over the locations where the source will be situated as follows: State and local air pollution control agencies, the chief executive of the city and county; any comprehensive regional land use planning agency; and any State, Federal Land Manager or Indian Governing Body whose lands will be significantly affected by the source's emissions.

(iv) Public comments submitted in writing within 30 days after the date such information is made available shall be considered by the Administrator in making his final decision on the application. No later than 10 days after the close of the public comment period, the applicant may submit a written response to any comments submitted by the public. The Administrator shall consider the applicant's response in making his final decision. All comments shall be made available for public inspection in at least one location in the region in which the source would be located.

(v) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial. Such notification shall be made available for public inspection in at least one location in the region in which the source would be located.

(vi) The Administrator may extend each of the time periods specified in paragraph (e) (1) (ii), (iv), or (v) of this section by no more than 30 days or such other period as agreed to by the applicant and the Administrator.

(2) Any owner or operator who constructs, modifies, or operates a stationary source not in accordance with the application, as approved and conditioned by the Administrator, or any owner or operator of a stationary source subject to this paragraph who commences construction or modification after June 1, 1975, without applying for and receiving approval hereunder, shall be subject to enforcement action under section 113 of the Act.

(3) Approval to construct or modify shall become invalid if construction or expansion is not commenced within 18 months after receipt of such approval or if construction is discontinued for a period of 18 months or more. The Administrator may extend such time period upon a satisfactory showing that an extension is justified.

(4) Approval to construct or modify shall not relieve any owner or operator of the responsibility to comply with the control strategy and all local, State, and Federal regulations which are part of the applicable State Implementation Plan.

(f) Delegation of authority

(1) The Administrator shall have the authority to delegate responsibility for implementing the procedures for conducting source review pursuant to paragraphs (d) and (e), in accordance with subparagraphs (2), (3), and (4) of this paragraph.

(2) Where the Administrator delegates the responsibility for implementing the procedures for conducting source review pursuant to this section to any Agency, other than a regional office of the Environmental Protection Agency, the following provisions shall apply:

(i) Where the agency designated is not an air pollution control agency, such agency shall consult with the appropriate State and local air pollution control agency prior to making any determination required by paragraph (d) of this section. Similarly, where the agency designated does not have continuing responsibilities for managing land use, such agency shall consult with the appropriate State and local agency which is primarily responsible for managing land use prior to making any determination required by paragraph (d) of this section.

(ii) A copy of the notice pursuant to paragraph (e) (1) (ii) (c) of this section shall be sent to the Administrator through the appropriate regional office.

(3) In accordance with Executive Order 11752, the Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be delegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are owned or operated by the Federal government or for new or modified sources located on Federal lands; except that, with respect to the latter category, where new or modified sources are constructed or operated on Federal lands pursuant to leasing or other Federal agreements, the Federal land Manager may at his discretion, to the extent permissible under applicable statutes and regulations, require the lessee or permittee to be subject to a designated State or local agency's procedures developed pursuant to paragraphs (d) and (e) of this section.

(4) The Administrator's authority for implementing the procedures for conducting source review pursuant to this section shall not be redelegated, other than to a regional office of the Environmental Protection Agency, for new or modified sources which are located on Indian reservations except where the State has assumed jurisdiction over such land under other laws, in which case the Administrator may delegate his authority to the States in accordance with subparagraphs (2), (3), and (4) of this paragraph.

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